

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEDIFAST, INC., a Delaware corporation,

Plaintiff – Appellant – Cross-Appellee,

and

BRADLEY MACDONALD,

Plaintiff – Appellant,

v.

BARRY MINKOW, an individual; et al.,

Defendants – Appellees.

ROBERT L. FITZPATRICK, an individual,

Defendant – Appellee – Cross-Appellant,

v.

MEDIFAST, INC., a Delaware corporation,

Plaintiff – Appellant – Cross-Appellee.

CASE NO. 11-55687

NOTICE OF DISPOSITION

CASE NO. 11-55699

PLEASE TAKE NOTICE, that this Court has disposed of the appeal in the action

Makaeff v. Trump University, Appeal No. 11-55016, by Order Denying the Petition for Rehearing En Banc entered November 27, 2013. *Makaeff v. Trump University*, 736 F.3d 1180 (9th Cir. 2013). Mandate issued on December 10, 2013. [Dkt. No. 74.]

This cross-appeal was argued and submitted on March 5, 2013. [Dkt. No. 79.]

Thereafter on May 20, 2013, the Court ordered the submission of the appeal vacated and deferred disposition of it pending disposition of the petition for rehearing en banc in *Makaeff*. [Dkt. No. 86.] Now that the Court has disposed of the *Makaeff* appeal, Appellees Barry Minkow and Fraud Discovery Institute, Inc., and Appellee – Cross Appellant Robert FitzPatrick respectfully request that this appeal be resubmitted for disposition.

Respectfully submitted,

Dated: March 17, 2014

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